

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

CARTRELL R. SMITH SR.,
JASON LUTZ, and
ROBERT ORGAN,

Plaintiffs,

v.

Civ. No. 16-1201 MCA/GJF

CORRECTIONS CORP. OF AMERICA
TORRANCE COUNTY, and
CHAD MILLER,

Defendants.

**ORDER GRANTING LEAVE TO PROCEED
PURSUANT TO 28 U.S.C. § 1915(b),
AND TO MAKE PAYMENTS OR SHOW CAUSE**

This matter is before the Court on the Application to Proceed in District Court Without Prepaying Fees or Costs filed by Plaintiff Cartrell Smith Sr. [ECF No. 2], the Application to Proceed in District Court Without Prepaying Fees or Costs filed by Plaintiff Jason Lutz [ECF No. 7], and the Application to Proceed in District Court Without Prepaying Fees or Costs filed by Plaintiff Robert Organ [ECF No. 8]. Because the Court grants the application, the filing fee for this civil rights complaint is \$350.00. Pursuant to § 1915(b)(1), Plaintiffs are required to make installment payments until the full amount of the filing fee is paid. Based on analysis under § 1915(b)(1) of Plaintiffs' inmate account statements, the Court finds that Plaintiff Robert Organ owes an initial partial payment of \$17.41 and Plaintiff Jason Lutz owes an initial partial payment of \$25.03. The Court will waive an initial partial payment for Plaintiff Cartrell Smith Sr. If Plaintiffs fail to make a payment by the designated deadline or show cause why such payment should be excused, the civil rights complaint may be dismissed without further notice.

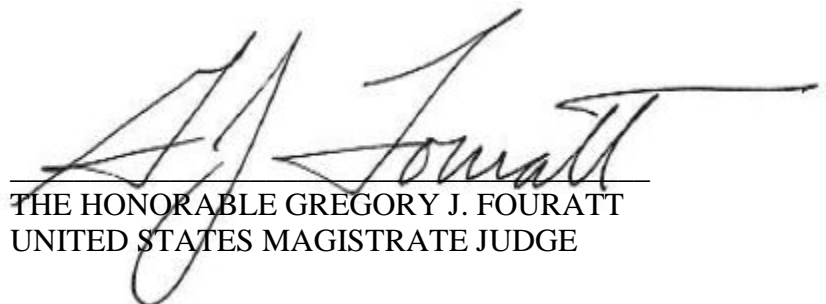
IT IS ORDERED that the Application to Proceed in District Court Without Prepaying Fees or Costs filed by Plaintiff Cartrell Smith Sr. [ECF No. 2], the Application to Proceed in District Court Without Prepaying Fees or Costs filed by Plaintiff Jason Lutz [ECF No. 7], and the Application to Proceed in District Court Without Prepaying Fees or Costs filed by Plaintiff Robert Organ [ECF No. 8] are **GRANTED**.

IT IS FURTHER ORDERED that, within thirty (30) days of entry of this Order, Plaintiff Robert Organ shall send to the Clerk an initial partial payment of \$17.41 or show cause why payment should be excused and Plaintiff Jason Lutz shall send to the Clerk an initial partial payment of \$25.03 or show cause why payment should be excused.

IT IS FURTHER ORDERED that the Clerk is directed to provide Plaintiffs Organ and Lutz with two copies of this Order, and that Plaintiffs Organ and Lutz make the necessary arrangements to attach one copy of this Order to the check in the amount of the initial partial payment.

IT IS FINALLY ORDERED that, after payment of the initial partial fees, Plaintiffs make monthly payments of twenty per cent (20%) of the preceding month's income credited to their accounts until the fee is paid in full or show cause why the designated payments should be excused.

IT IS SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE